

REMARKS

This is in response to the Office Action of May 5, 2005.

DRAWINGS

Applicant has noted the Examiner's comments in Paragraph 2 of the Office Action. The recessed slot that extends below the base as now set forth in amended Claim 1 is in fact shown in the drawings. The intermediate recessed slot 28 quite conspicuously extends longitudinally in a plane below the top of the base 12. The specification states that the recessed slot 28 runs along the inside center of the base 12 to permit slicing the bagel through in a safe and expeditious manner. In particular, FIGS. 3 and 4 show intermediate recessed slot 28 extending below the top of the base 12. Additional number and wording has been provided by amendment to emphasize this feature.

CLAIM REJECTIONS—35 U.S.C. §112 Par. 1

As noted in Paragraphs 3 and 4 of the Office Action, Claims 1-8 have been rejected under 35 U.S.C. 112, first paragraph on the basis that the original disclosure does not provide support for "a slot...extending below the base as now set forth in Claim 1." Rather, the Examiner contends that support is provided for a slot 28 that extends below the base.

Applicant has amended Claim 1 to cancel the statement "below the base" and has clarified Claim 1 to note that the base includes "an intermediate recessed slot". This amendment should overcome the 35 U.S.C. 112 rejection of Claims 1-8.

CLAIM REJECTION—35 U.S.C. §112 Par. 2

Claims 1-8 have also been rejected under 35 U.S.C. 112. It is noted that in Claim 1, lines 2-3 the recitation of "a slot extending...below the base" is vague and indefinite. The amendment

to eliminate the phrase and add appropriate language involving "an intermediate recessed slot" should eliminate this rejection

Applicant has also amended Claim 1 to overcome the lack of antecedent basis for "the flexible side member."

Claim 6 has been amended to clarify the recitation "and extending higher than the flexible side members." The amended claim overcomes the rejection

ALLOWABLE SUBJECT MATTER

Claims 1-8 were noted as allowable if rewritten or amended to overcome 35 U.S.C. 112 rejections. Applicant has done precisely this and the claims should be allowable.

CONCLUSION

This application contains allowable subject matter and independent Claim 1 and dependent Claim 6 have been amended to eliminate the 35 U.S.C. 112 rejections. Claim 1 and dependent Claims 2-8 should now be allowable.

Therefore, reconsideration and allowance of these claims is respectfully requested.

RESPECTFULLY SUBMITTED,


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